

REMARKS

Claims 1-88 are pending in the instant application, and are subject to restriction/election. The instant Office Action, on page 2, alleges that the pending claims are generic to a plurality of disclosed, patentably distinct species comprising heterocycles of formulae 1-117. Applicants are required under 35 U.S.C. §121 to elect one of the species for prosecution on the merits.

Applicants respectfully traverse the requirement for election, and submit that the requirement is improper. First, Applicants assert that the plurality of species encompassed by the heterocycles of formulae 1-117 represents different embodiments of a single inventive concept for which a single patent should issue. These species represent an intricate web of knowledge, continuity of effort, and consequences of a single invention, which merit examination in a single application. More particularly, a single, searchable, unifying aspect, *i.e.*, inhibition of kinase activity, and a links all the species.

Second, Applicants submit that a sufficient search and examination with respect to all the disclosed species can be made without serious burden. As the M.P.E.P. states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

M.P.E.P. § 803 (7th ed., Rel. 78A, March 1999).

That is, even if the aforementioned species are drawn to distinct inventions, the Examiner must still examine all the species on the merits because doing so will not result in a serious burden.

Applicants submit that the search and examination of all the species will have substantial overlap, and no serious burden will result from searching and examining all species in the same application. This is especially true for the reason that the invention is directed to compounds of formula I comprising the heterocycles of formulae 1-117 that inhibit signal transduction and cellular proliferation by modulating the activity of receptor and non-receptor tyrosine and serine/threonine kinases. Further, each of the compounds encompassed by

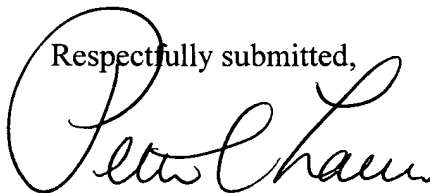
heterocycle formulae 1-117 comprises at least an 8-membered, fused bicyclic heterocyclic ring having at least one N heteroatom, and one ring carbon substituted with an amino functionality.

Therefore, in the interest of savings of time and cost to Applicants and the Patent Office, Applicants respectfully request that all the species be searched and examined in a single application. Alternatively, Applicants respectfully request that, at a minimum, the species that comprise pyrrolopyrimidine heterocycles, namely the compounds encompassed by heterocycle formulae 2, 3, 19, 27, 31, 75, 88, 105, 107, and 108 be joined for examination in the instant application.

Nevertheless, in compliance with the directives in the Office Action and in order to expedite prosecution of the instant application, Applicants hereby elect, subject to the foregoing traverse, the single disclosed species that is 7-cyclopentyl-5-(4-phenoxyphenyl)-5H-pyrrolo[3,2-d]pyrimidin-4-amine. This compound is disclosed in the instant application at least, for example, in Example 1 on page 88, line 5, and is encompassed by the heterocycle of formula 2 of claim 1. As requested on page 3 of the instant Office Action, attached hereto as Appendix A is the structural formula of the elected species.

If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned attorney at (617) 227-7400.

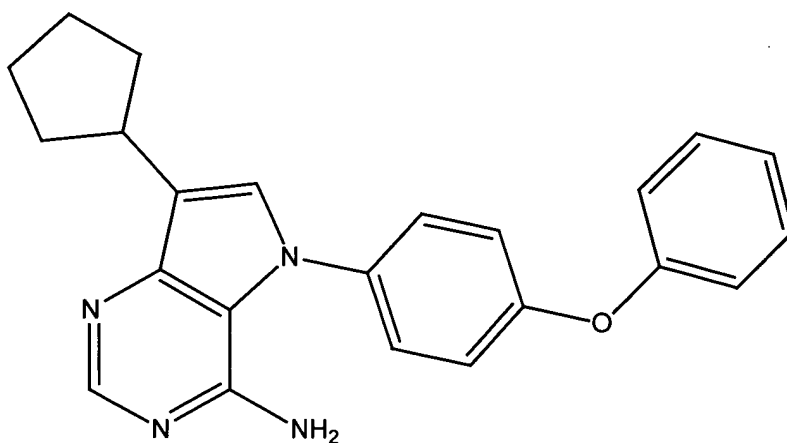
Respectfully submitted,



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APPENDIX A



7-cyclopentyl-5-(4-phenoxyphenyl)-5H-pyrrolo[3,2-d]pyrimidin-4-amine